

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

JOSEPH LOUIS SMALLWOOD,

Plaintiff,

v.

M. POPE; K. HOGELAND; D.  
LILIENTHAL; DAVE G. POWELL,

Defendants.

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No. 2:17-cv-01517-TC

OPINION AND ORDER

**MCSHANE, Judge:**

Magistrate Judge Thomas M. Coffin filed a Findings and Recommendation (“F&R”), ECF No. 45, and the matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). Although the parties filed no objections, I have reviewed the legal principles *de novo*. *See United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude that the report is correct. Judge Coffin’s F&R is adopted in full. Accordingly, Defendants’ Motion for Judgment on the Pleadings, ECF No. 22, is DENIED with respect to Plaintiff’s equal protection claim and GRANTED with respect to Plaintiff’s due process claim. Plaintiff’s Motion for Leave to File Amended Complaint, ECF No. 34, is GRANTED and

Plaintiff allowed 30 days to file an amended complaint curing the deficiencies of his due process and failure to protect claims.

IT IS SO ORDERED.

DATED this 3rd day of October, 2018.

/s/ Michael McShane  
Michael J. McShane  
United States District Judge